

BOARD OF PHARMACY
STATE OF MISSOURI

MISSOURI BOARD OF PHARMACY,)	
)	
Petitioner,)	
)	
vs.)	Case No. 08-1990 PH
)	
Pamela Jill Mitchell, R.Ph.,)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

This matter appears before the Missouri Board of Pharmacy pursuant to a Consent Order issued by the Administrative Hearing Commission as a result of a Joint Motion for Consent Order, Joint Stipulation of Facts and Conclusions of Law, and Waiver of Hearing Before the Administration Hearing Commission between the Missouri Board of Pharmacy and Pamela Jill Mitchell, R.Ph., which was incorporated into by reference into the record of this matter. See page 4 of the transcript. Each Board member read that Joint Motion for Consent Order, Joint Stipulation of Facts and Conclusions of Law, and Waiver of Hearing Before the Administration Hearing Commission and the Administrative Hearing Commission's Consent Order that is incorporated herein. See pages 4 and 5 of the transcript.

Findings of Fact

1. The Missouri Board of Pharmacy ("Board") is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo 2000, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.
2. The Board set this matter for hearing and served notice of the disciplinary hearing upon respondent.
3. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on July 15, 2009, at the Courtyard by Marriott, 3301 LeMone Industrial Boulevard

Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacist license of respondent. Pamela Jill Mitchell appeared in person and without counsel. The Board was represented by Daryl Hilton. See page 3 of the transcript.

4. All Board members were present throughout the disciplinary hearing.

5. Respondent is licensed by the Board, License No. 028287, which license was current and active at the time of the incidents which form the basis of the charge.

6. The Consent Order had certain provisions regarding the facts that the parties agreed give cause to discipline the license of the respondent, in that respondent failed to obtain continuing education hours in violation of the provisions of Chapter 338, RSMo, and the regulations promulgated there under.

7. At the disciplinary hearing on July 15, 2009, the parties agreed that during the time period of September 1, 2004, and August 31, 2006, respondent did obtain the appropriate amount of continuing education hours, but that respondent did not maintain records of completion of such hours and did not timely submit proof of those hours when requested during a continuing education audit conducted by the Board. The parties further agreed that respondent is subject to discipline by the Board for her failure to provide documentation to the Board and for her failure to maintain records demonstrating completion of the required continuing education hours. See pages 5-9 of the transcript.

8. In January 2007 the Board selected respondent for a random audit of her continuing education hours. In response to the audit, respondent could not produce records to document that she had completed thirty hours of continuing education. See pages 6 of the transcript.

9. Respondent did not pay the delinquent continuing education hours fee as required by 20 CSR 2220-4.010(1) (V) and 20 CSR 2220-2.100(12) because she has not worked as a pharmacist since 1990 and has no source of income. See page 7 of the transcript.

Conclusions of Law

10. The Board has jurisdiction over this proceeding in that the parties have agreed that the Board has cause to discipline the license of the respondent. State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150, 160-161 (Mo. App., K.C.D. 1974).

11. The Board has jurisdiction to take disciplinary action against respondent in that the parties have agreed that such action may be taken.

12. Respondent's license to practice as a pharmacist, numbered 028287, is subject to revocation, suspension, probation, or censure by the Board pursuant to the provisions of Section 338.055.2(6) and (13), RSMo 2000.

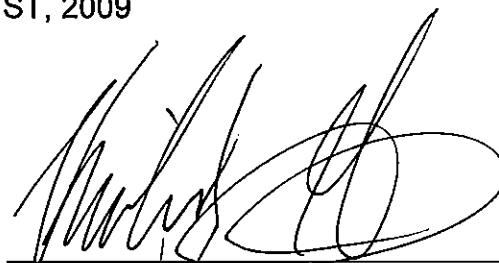
Disciplinary Order

THEREFORE, having considered all of the evidence before this body, and giving full weight to the Joint Motion for Consent Order, Joint Stipulation of Facts and Conclusions of Law, and Waiver of Hearing Before the Administration Hearing Commission and the Administrative Hearing Commission's Consent Order presented to the Board, it is the ORDER of the Missouri Board of Pharmacy that the pharmacist license issued to respondent, numbered 028287, is hereby PUBLICLY CENSURED.

The Board of Pharmacy will maintain this Order as an open record of the Board as provided in Chapters 338, 610, 324, RSMo.

ENTERED THIS 7th DAY OF AUGUST, 2009

(BOARD SEAL)



KIMBERLY GRINSTON
EXECUTIVE DIRECTOR
MISSOURI BOARD OF PHARMACY